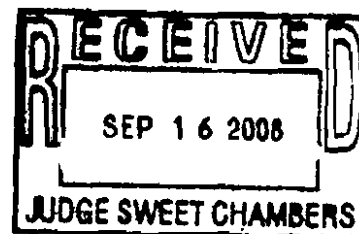


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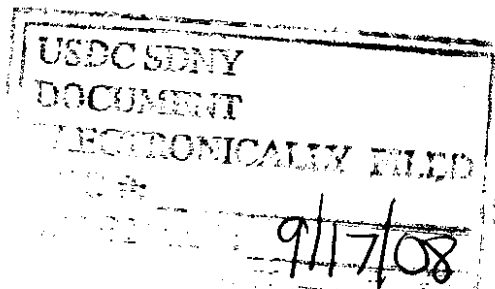
September 9, 2008



VIA FACSIMILE - 212-805-7925

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: PRM Irving v. South Grammercy
07 Civ. 3025 (RWS)



Dear Judge Sweet:

This office, together with Steven R. Lapidus, Esquire, represents defendant. I write this joint request following a telephone conference with your law secretary and my adversary Leonard Benowich, Esquire this afternoon.

My office has not been paid in this action due to no fault of my client, but due to the fault of my co-counsel Steven R. Lapidus, Esquire. I do not believe that a formal motion to withdraw is necessary as Mr. Lapidus's name is on the answer and he appeared at the only conference to be held before your Honor in this matter. To the extent that I need to make a motion to withdraw, I will do so. A further reason this should not be necessary is the likelihood that I will be replaced by another attorney (Ted Kaplan, Esquire) who is copied on this letter. I will not be placing a lien on the file as the failure of payment is not the client's fault.

Both Mr. Benowich and I agree that additional time for discovery is needed. The discovery cut-off date was September 8, 2008. We believe, assuming there is no necessity for a formal motion to withdraw, that sixty (60) days will be sufficient to complete outstanding discovery, and accordingly propose a new discovery cut off date of November 10, 2008. A conference is currently scheduled for September 24, 2008, and we propose adjourning this conference until November 24, 2008.

If your Honor is amenable to the foregoing, we respectfully request that you So-Order this letter.

cc: Leonard Benowich, Esquire
(914-946-9474)
Steven R. Lapidus, Esq. (via e-mail)
Theodore Kaplan, Esquire
Tom Silver

Respectfully submitted,

Mark Warren Moody

SO-ORDERED

[Signature]
Sweet
USDV
9.16.08